

Notice of Allowability

Application No.

10/642,537

Examiner

Tuan N. Nguyen

Applicant(s)

FAINBERG, ABRAM

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 8/18/03.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 18 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/18/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended, to overcome some objections such as numeral needed to be within parentheses in a claim, no quotation in a claim, and trademark should not be used in a claim, as follows:

In claim 3 (patent claim 3),

line 3: "110" has been changed to --(110)-- and "43" has been changed to --(43)--
;

line 4: "45" has been changed to --(45)--;

line 6: "43 and 45" has been changed to --(43 and 45)-- and "110" has been changed to --(110)--;

line 8: "110" has been changed to --(110)--;

line 9: "120" has been changed to --(120)--;

line 13: "marketed as "sticky back" of the Velcro Co.";

line 14: "110" has been changed to --(110)--; and

line 15: "120" has been changed to --(120)-- and "110" has been changed to --(110)--.

In claim 4 (patent claim 4),

line 1: "120" has been changed to --(120)--; and

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line 2: "110" has been changed to --(110)--.

In claim 7 (patent claim 7),

line 1: "65" has been changed to --(65)--.

In claim 9 (patent claim 9),

line 5: "5'" has been changed to --5 inches--;

line 10: "130" has been changed to --(130)--;

line 11: "120" has been changed to --(120)--;

line 12: "130" has been changed to --(130)--; and

line 16: "83" has been changed to --83--.

In claim 16 (patent claim 16),

line 5: "'A'" has been changed to --(A)--;

line 6: "120" has been changed to --(120)--; and

line 7: "130" has been changed to --(130)--.

2. The following is an examiner's statement of reasons for allowance: none of the prior art of record alone or in combination an assembly having a frame, carriage, a chair mounted on the frame as claimed, and a drive means for moving the carriage up and down **and** for operation a means of reciprocating belt as claimed in cooperation with a means of showering for soaping and showering bathers back.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chiang, Wallasch et al., and Williams disclose other type of showering apparatus but lack the features as indicated above.
4. The cited publications in the section "OTHER PRIOR ART" of the information disclosure statement filed 8/18/03 have not been considered since a legible copy of each publication is not in the case. A line crosses those that have not been considered out.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 703-306-9046. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan N. Nguyen
Primary Examiner
Art Unit 3751
7/26/04

TN